

NAQQhesP

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x  
4 UNITED STATES OF AMERICA

5 v.

20 CR 411 (RA)  
Plea

6 HESHL ABRAHAM

7 Defendant

8 -----x

9 New York, N.Y.  
10 October 26, 2023  
11 11:55 a.m.

12 Before:

13 HON. RONNIE ABRAMS

District Judge

14 APPEARANCES

15 DAMIAN WILLIAMS

United States Attorney for the  
Southern District of New York

16 JILAN J. KAMAL

Assistant United States Attorney

17 NEWMAN & GREENBERG

Attorney for Defendant

18 STEVEN Y. YUROWITZ

NAQQhesP

(In open court; case called)

DEPUTY CLERK: Counsel, please state your name for the record.

MS. KAMAL: Good afternoon, I believe by now, your Honor.

Jilan Kamal on behalf of the United States.

MR. YUROWITZ: Stephen Yurowitz on behalf of Heshel Abraham.

THE COURT: Good afternoon.

Good afternoon, Mr. Abraham.

THE COURT: I understand that you wish to please guilty to Count One of the superseding information. Is that correct?

THE DEFENDANT: Yes.

THE COURT: Before deciding whether to accept your plea, I'm going to ask you certain questions so I can be sure that you understand your rights, and that you're pleading guilty voluntarily and because you are guilty and not for some other reason.

So it's important that you answer my questions honestly and completely. If at any point you don't understand a question or want to speak with your lawyer, just let me know, okay?

THE DEFENDANT: Okay.

THE COURT: Ms. Cavale, could you please place

NAQQhesP

1 Mr. Abraham under oath.

2 (Defendant sworn)

3 THE COURT: You are now under oath, so you should  
4 understand if you answer any of my questions falsely, you could  
5 be charged with a separate crime of perjury. Do you understand  
6 that?

7 THE DEFENDANT: Yes.

8 THE COURT: So I'm going to start by asking you  
9 questions to ensure that you're competent to plead guilty, and  
10 then we'll talk about the charging instrument and go on from  
11 there. But these are questions I ask of every defendant in  
12 your situation.

13 How old are you?

14 THE DEFENDANT: 35.

15 THE COURT: 35?

16 THE DEFENDANT: (Indicating)

17 THE COURT: How far did you go in school?

18 THE DEFENDANT: Yeshiva education.

19 THE COURT: Are you currently or have you recently  
20 been under the care of a medical professional or psychiatrist  
21 or other mental healthcare provider?

22 THE DEFENDANT: No.

23 THE COURT: Have you ever been hospitalized for mental  
24 illness, alcoholism, or drug addiction?

25 THE DEFENDANT: No.

NAQQhesP

1 THE COURT: In the past 24 hours, have you taken any  
2 drugs, medicine or pills, or drunk any alcoholic beverages?

3 THE DEFENDANT: No.

4 THE COURT: Is your mind clear today?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you understand what's happening in  
7 these proceedings?

8 THE DEFENDANT: Yes.

9 THE COURT: Does either counsel have any doubt as to  
10 the defendant's competence to plead guilty at this time?

11 MS. KAMAL: No.

12 MR. YUROWITZ: No, your Honor.

13 THE COURT: On the basis of Mr. Abraham's responses to  
14 my questions and my observations of his demeanor here in court  
15 and representations of counsel, I find he is fully competent to  
16 enter an informed plea of guilty at this time.

17 So, as I said at the start, I understand that you  
18 intend to plead guilty to the charge contained in a superseding  
19 information, which is a document containing a formal accusation  
20 brought by the government. Have you received a copy of this  
21 superseding information?

22 THE DEFENDANT: Yes.

23 THE COURT: Have you read it?

24 THE DEFENDANT: Yes.

25 THE COURT: Have you discussed it with your attorney?

NAQQhesP

1 THE DEFENDANT: Yes.

2 THE COURT: Under our legal system, before anyone can  
3 be charged with a felony offense, the government is obligated  
4 to go to a grand jury, which must decide whether there's  
5 probable cause to believe that a crime was committed, and that  
6 you committed it, and that can result in what is called an  
7 indictment.

8 But you have to understand that by proceeding by way  
9 of information, you are allowing the government to charge you  
10 without going to the grand jury and getting an indictment. Do  
11 you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: I understand that you signed this waiver  
14 of indictment form that reads: The above-named defendant, who  
15 is accused of violating Title 18 United States Code, Section  
16 371, being advised of the nature of the charge and of his  
17 rights, hereby waives in open court prosecution by indictment  
18 and consents that the proceeding may be by information instead  
19 of indictment. Did you sign this form?

20 THE DEFENDANT: Yes.

21 THE COURT: Were any threats or promises made other  
22 than in the plea agreement, which we will talk about in a  
23 minute, to get you to waive indictment?

24 THE DEFENDANT: No.

25 THE COURT: I find that Mr. Abraham has knowingly and

NAQQhesP

1 voluntarily waived his right to be charged by a grand jury and  
2 authorize the filing of the superseding information.

3 Have you had enough time and opportunity to discuss  
4 your case with your attorney?

5 THE DEFENDANT: Yes.

6 THE COURT: And have you discussed with him the nature  
7 of the charge to which you intend to plead guilty and any  
8 possible defenses?

9 THE DEFENDANT: Yes.

10 THE COURT: Yes?

11 THE DEFENDANT: Yes.

12 THE COURT: Have you also discussed with him the  
13 rights you're giving up and the consequences of pleading  
14 guilty?

15 THE DEFENDANT: Yes.

16 THE COURT: Are you satisfied with his representation  
17 of you?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. So now I'm going to explain certain  
20 constitutional rights that you have. These are rights that you  
21 will be giving up if you enter a guilty plea. So first, under  
22 the Constitution and laws of the United States, you have a  
23 right to plead not guilty to the charge in the superseding  
24 information. Do you understand that?

25 THE DEFENDANT: Yes.

NAQQhesP

1 THE COURT: And if you did plead not guilty, you would  
2 be entitled under the Constitution to a speedy and public trial  
3 by a jury of that charge. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: In advance of trial, if you went to trial,  
6 you would have the opportunity to seek suppression of any or  
7 all of the evidence against you on the basis that it was  
8 obtained in violation of the Constitution. Do you understand  
9 that?

10 THE DEFENDANT: Yes.

11 THE COURT: And at trial, again, if you chose to go to  
12 trial, you would be presumed innocent. That means that you  
13 would not have to prove that you were innocent. Instead, the  
14 government would need to prove your guilt beyond a reasonable  
15 doubt before you could be found guilty. So even if you did  
16 nothing or said nothing at trial, you could not be convicted  
17 unless a jury of 12 people agreed unanimously that you are  
18 guilty. Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: During trial, if you chose to go to trial,  
21 the witnesses for the prosecution would have to come to court  
22 and testify in your presence where you could see them and hear  
23 them, and your lawyer could cross-examine them.

24 If you wanted to, your lawyer could offer evidence on  
25 your behalf. You would be able to use the Court's power to

NAQQhesP

1 compel witnesses to come to court to testify truthfully in your  
2 defense even if they didn't want to come. Do you understand  
3 that?

4 THE DEFENDANT: Yes.

5 THE COURT: At trial, again, if you chose to go to  
6 trial, you would have the right to testify if you wanted to,  
7 but you would also have the right not to testify. And if you  
8 chose not to testify, that could not be used against you in any  
9 way. So no inference or suggestion of guilt could be made from  
10 the fact that you chose not to testify. Do you understand  
11 that?

12 THE DEFENDANT: Yes.

13 THE COURT: At trial, and at every stage of your case,  
14 you'd be entitled to be represented by an attorney. And if you  
15 could not afford an attorney, one would be appointed at public  
16 expense, meaning free of cost, to represent you. Do you  
17 understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: If you are convicted at trial, you would  
20 have a right to appeal that verdict to a higher court. Do you  
21 understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: As I said before, you have the right to  
24 plead not guilty. So even as you sit here right now for  
25 purposes of entering a guilty plea, you have the right to



NAQQhesP

1 change your mind and to go to trial. But if you do plead  
2 guilty, and I accept your plea, there will be no trial, and you  
3 will be giving up the rights that I just described. Do you  
4 understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: If you plead guilty, all that will remain  
7 to be done is for me, the Court, to impose sentence. I am not  
8 going to do that today, but I will enter a judgment of guilty and  
9 sentence you after getting whatever submissions I get from your  
10 lawyer and the government, as well as a presentence report  
11 prepared by the probation department. But there will be no  
12 appeal with respect to whether the government could use the  
13 evidence it has against you or with respect to whether you did  
14 or did not commit the crime. Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: If you did plead guilty, you will also be  
17 giving up your right not to incriminate yourself because I'm  
18 going to ask you certain questions here in court today in order  
19 to satisfy myself that you are in fact guilty as charged. Do  
20 you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: Now, Count One of the superseding  
23 information charges you with conspiring to commit wire fraud in  
24 violation of Title 18 United States Code, Section 371.

25 Could the government please state the elements of the

NAQQhesP

1 offense in question?

2 MS. KAMAL: Yes. In order to prove the defendant  
3 guilty of Count One of the information, the government would  
4 have to prove the following three elements beyond a reasonable  
5 doubt:

6 First, that two or more people agreed to engage in a  
7 scheme to defraud that involved the use of interstate wires as  
8 charged in this superseding information.

9 Second, that the defendant entered that agreement  
10 knowing its objective to commit wire fraud and intending to  
11 join together with at least one other conspirator to achieve  
12 that objective, and

13 Third, that at some point during the existence of the  
14 conspiracy, at least one member performed an overt act in  
15 furtherance of the agreement's objective.

16 Now, with respect to the objective of the conspiracy  
17 here, wire fraud, wire fraud has three elements:

18 First, that there existed a scheme or artifice to  
19 defraud or to obtain money or property by materially false and  
20 fraudulent pretenses, representations or promises.

21 Second, the defendant knowingly participated in the  
22 scheme or artifice to defraud with knowledge of its fraudulent  
23 nature and with the specific intent to defraud, and

24 Third, that in executing the scheme, the defendant  
25 used or caused the use of interstate wires.

NAQQhesP

1 THE COURT: Mr. Abraham, do you understand that if you  
2 were to go to trial, the government would need to prove all of  
3 that to a jury before you could be convicted? Do you  
4 understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Now, I'm going to discuss the maximum  
7 penalties. The maximum means the most that could possibly be  
8 imposed. It doesn't necessarily mean that is the sentence you  
9 will receive, but you have to understand that by pleading  
10 guilty, you're exposing yourself to the possibility of  
11 receiving any combination of punishments up to the maximums.

12 So, with respect to your liberty, the maximum term of  
13 imprisonment for this crime is five years in prison. Do you  
14 understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Any term of imprisonment you do receive  
17 may be followed by a term of supervised release of up to three  
18 years. Supervised release means that if you're sentenced to  
19 prison, after you're released from prison, you will be subject  
20 to the supervision of the probation department. You will be  
21 required to obey certain rules. And if you violate those  
22 rules, you can be returned to prison without a jury trial to  
23 serve additional time even beyond your original sentence. Do  
24 you understand that?

25 THE DEFENDANT: Yes.

NAQQhesP

1 THE COURT: You should also understand that there's no  
2 parole in the federal system. So if you're sentenced to  
3 prison, you will not be released early on parole, although  
4 there's a limited opportunity to earn credit for good behavior.  
5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: In addition to these restrictions on your  
8 liberty, the punishment for this crime includes certain  
9 financial penalties. The maximum allowable fine is \$250,000,  
10 twice the gross pecuniary gain derived from the offense, or  
11 twice the gross pecuniary loss to persons other than yourself  
12 resulting in the offense. Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: I'm also required to impose a mandatory  
15 special assessment of \$100. And I must order restitution to  
16 any persons and entities injured as a result of your criminal  
17 conduct. And I can order you to forfeit all property derived  
18 from the offense or used to facilitate the offense. Do you  
19 understand that these are the maximum penalties for Count One?

20 THE DEFENDANT: Yes.

21 THE COURT: Is Mr. Abraham being investigated or  
22 prosecuted elsewhere that we know of?

23 MS. KAMAL: No, your Honor.

24 THE COURT: You should be aware that the punishments  
25 I've just described may be part of a sentence, but being

NAQQhesP

1 convicted of a felony may have other consequences. Are you a  
2 United States citizen?

3 THE DEFENDANT: Yes.

4 THE COURT: Then you should understand that as a  
5 result of your guilty plea, you may lose certain valuable civil  
6 rights to the extent that you have them now, like the right to  
7 vote, the right to hold public office, the right to serve on a  
8 jury, and the right to possess any kind of firearm. Do you  
9 understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Now, in imposing sentence, federal judges  
12 are required to consider the recommendations of the federal  
13 Sentencing Guidelines. The guidelines are a complicated set of  
14 rules for determining an appropriate sentence. Although judges  
15 must take into account the guidelines in determining a  
16 sentence, they are only recommendations to the Court. So in  
17 the end, the judge is required to give the sentence that she  
18 believes best satisfies the purposes of the criminal law as set  
19 forth in a particular provision of the law, the sentencing  
20 factors -- it's 18 United States Code, Section 3553(a) -- even  
21 if that's higher or lower than the guideline sentence. Do you  
22 understand all of that?

23 THE DEFENDANT: Yes.

24 THE COURT: And have you discussed the Sentencing  
25 Guidelines with your attorney?

NAQQhesP

1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand that they are only  
3 recommendations to the Court?

4 THE DEFENDANT: Yes.

5 THE COURT: Now, I understand that you have entered  
6 into a plea agreement with the government. Is that correct?

7 THE DEFENDANT: Yes.

8 THE COURT: I have a letter. It's dated October 24.  
9 It appears to be your original plea agreement, but I'm just  
10 going to ask you to confirm that. I've marked it as Court  
11 Exhibit 1. Is that your agreement?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay, great.

14 So did you read this agreement before you signed it?

15 THE DEFENDANT: Yes.

16 DEPUTY CLERK: It actually has an electronic signature  
17 of the defendant.

18 THE COURT: Okay. So did you sign this in person?

19 MR. YUROWITZ: Electronically.

20 THE COURT: Electronically?

21 THE DEFENDANT: Yes.

22 THE COURT: So there's no version which he signed --

23 MR. YUROWITZ: We could sign.

24 THE COURT: Yes, why don't we do that now.

25 Before you signed it either today or electronically,

NAQQhesP

1 did you read the whole agreement?

2 THE DEFENDANT: Yes.

3 THE COURT: And did you discuss it with your attorney?

4 THE DEFENDANT: Yes.

5 THE COURT: I realize that it's a somewhat lengthy  
6 document and contains some technical legal language, but after  
7 reading it and discussing it with your attorney, do you  
8 understand all the terms of the agreement?

9 THE DEFENDANT: Yes.

10 THE COURT: I'm going to ask the government to  
11 summarize the primary terms of the agreement, please.

12 MS. KAMAL: Yes, your Honor.

13 The agreement contains a stipulated guidelines range.  
14 The guidelines range is 37 to 46 months. That guidelines range  
15 represents the stipulated range before the application of the  
16 pending amendments to the Sentencing Guidelines.

17 The agreement also contains a stipulated range after  
18 consideration of the pending amendments. That amendment, let's  
19 call it, guidelines range is 30 months to 37 months.

20 The agreement also requires the defendant to admit to  
21 the forfeiture allegation and in particular to agree to a money  
22 judgment of \$1,774,269. And also to admit and to forfeit two  
23 items of specific property: The first is all monies and funds  
24 held in a JPMC bank account 906641022 held in the name of Heshl  
25 Abraham. And the second is to forfeit up to \$450,000 held in a

NAQQhesP

1 JPMC account numbered 562366513 in the name of Lipsha Abraham,  
2 whom the government understands to be the defendant's spouse.

3 The agreement also provides for -- an exhibit to the  
4 agreement is also a consent preliminary order of forfeiture.  
5 The consent preliminary order of forfeiture provides for the  
6 forfeiture of both the specific property as well as the money  
7 judgment in the amount that I just discussed, and it also  
8 provides that once the forfeiture of the specific property is  
9 final and in favor of the government, those monies contained in  
10 the specific property will be credited against the money  
11 judgment.

12 In addition to these core features of the plea, it  
13 also requires the defendant to waive any appeal of a sentence  
14 that is below the stipulated guidelines range of 46 months, the  
15 high end of that range, and it requires him to waive any  
16 modification of his sentence pursuant to 3582.

17 THE COURT: So, Mr. Abraham, did you understand --

18 MR. YUROWITZ: Just one clarification.

19 THE COURT: Yes.

20 MR. YUROWITZ: The waiver pursuant to 3582(c)(2) I  
21 think is only under Section 4C1.1. To the extent there may be  
22 some other application, he's not waiving that, so ...

23 MS. KAMAL: That's correct, your Honor. It applies to  
24 the pending amendment of the guidelines.

25 THE COURT: Understood.



NAQQhesP

1 So, Mr. Abraham, did you follow all of that?

2 THE DEFENDANT: Yes.

3 THE COURT: Okay. Is that all consistent with your  
4 understanding of the agreement?

5 THE DEFENDANT: Yes.

6 THE COURT: I am just going to follow up on the waiver  
7 of appeal only. I just want to make sure that you understand  
8 that you are giving up your right to appeal or otherwise  
9 challenge your sentence so long as I sentence you to 46 months  
10 of imprisonment or less. So if I sentence you to more than 46  
11 months in prison, you have a right to appeal or otherwise  
12 challenge your sentence. But if I sentence you to 46 months or  
13 less, you can't appeal or otherwise challenge your sentence  
14 under this agreement. I just want to make sure you understand  
15 that. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Did you willingly sign this plea  
18 agreement?

19 THE DEFENDANT: Yes.

20 THE COURT: Has anyone threatened bribed or forced you  
21 to sign the agreement or to plead guilty?

22 THE DEFENDANT: No.

23 THE COURT: Other than what's in the agreement, has  
24 anyone offered you an inducement to plead guilty?

25 THE DEFENDANT: No.

NAQQhesP

1 THE COURT: Has anyone made a promise to you as to  
2 what your sentence will be?

3 THE DEFENDANT: No.

4 THE COURT: I just want to make sure you understand  
5 that because no one knows what your sentence will be today. I  
6 don't know, the government doesn't know, your lawyer doesn't  
7 know. That won't be determined until I review the presentence  
8 report prepared by the probation department, the submissions of  
9 the parties, I do my own independent calculation of the  
10 guidelines, and then decide what the proper range is and  
11 whether there is a basis to sentence you outside of it. But I  
12 just want to make sure you understand that even if your  
13 sentence is different from what people predicted or you had  
14 hoped for, that that is not going to be a basis to withdraw  
15 your plea. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: And then the government also referred to  
18 the consent preliminary order of forfeiture as to specific  
19 property money judgment. Did you sign this as well?

20 THE DEFENDANT: Yes.

21 THE COURT: Is this electronic?

22 MR. YUROWITZ: Yes.

23 THE COURT: So I'm going to give this back to you to  
24 ask you to sign it as well in person, but I just -- just to be  
25 clear, this agreement, among other things, in it you agree to

NAQQhesP

1 forfeit a sum of money equal to \$1,774,269 in United States  
2 currency representing proceeds traceable to the commission of  
3 the offense charged in Count One of the information, and all  
4 right, title, and interest of the defendant in the following  
5 specific property, and then it lists the \$16,818.66 held in the  
6 JPMC Bank, and up to \$450,000 in United States currency  
7 formally on deposit in a different account, but also at JPMC.  
8 I'm not going to read the entirety of this agreement, but did  
9 you -- I'm going to ask you to look at this, see if you've  
10 signed it and then if you have, I'm just going to ask you to  
11 sign it here in person as well.

12 (Complies)

13 THE COURT: Have you previously read and discussed  
14 this entire agreement with your attorney?

15 THE DEFENDANT: Yes.

16 THE COURT: So now that you've been advised of the  
17 charge against you and the possible penalties you face and the  
18 rights you're giving up, do you still intend to plead guilty?

19 THE DEFENDANT: Yes.

20 THE COURT: Now I'm going to ask you the official  
21 question with respect to Count One of the superseding  
22 information. How do you plead?

23 THE DEFENDANT: Guilty.

24 THE COURT: And do you admit to the forfeiture  
25 allegation in the information?

NAQQhesP

1 THE DEFENDANT: Yes.

2 THE COURT: So, now tell me in your own words what you  
3 did that makes you believe you're guilty of this crime?

4 THE DEFENDANT: So in 2018, I agreed with another to  
5 participate in a scheme to defraud Amazon by shipping materials  
6 to Amazon that were different from those that Amazon had  
7 initially ordered. I did this in order to receive money from  
8 Amazon that I knew I was not legitimately entitled to. I  
9 received those payments electronically over the wire. My  
10 business was located in the Southern District of New York. I  
11 realize that what I did was wrong, and I apologize for my  
12 actions. I also overshipped products to Amazon. Amazon would  
13 order certain items on a regular basis, and I sent them those  
14 same items but in amounts exceeding what they ordered.

15 THE COURT: Are there any additional questions the  
16 government would like me to ask?

17 MS. KAMAL: No, your Honor. Thank you.

18 THE COURT: Can you please summarize what the  
19 government's evidence would be if the case were to proceed to  
20 trial?

21 MS. KAMAL: Yes.

22 At trial, the government would produce data and  
23 communications from more than a dozen seized devices, which  
24 would reflect, among other things, communications between the  
25 defendants regarding how to successfully execute the scheme,

NAQQhesP

1 how to obtain the greatest amount of money from the victim in  
2 the shortest period of time, and how to avoid detection.

3 The government would also offer data, documents and  
4 testimony from the victim reflecting that its orders for goods  
5 had been manipulated, prices agreed to had been manipulated,  
6 and that the quantities of goods that were ultimately shipped  
7 by the defendants were also manipulated and exceeded.

8 The government would also offer the financial records  
9 from third parties reflecting that payment from the victim's  
10 bank accounts located outside the Southern District of New York  
11 were wired to the defendant's accounts which were located in  
12 the Southern District of New York and also further reflect the  
13 flow of funds.

14 THE COURT: Thank you.

15 Mr. Yurowitz, do you agree that there is a sufficient  
16 factual predicate for the guilty plea?

17 MR. YUROWITZ: Yes, your Honor.

18 THE COURT: Mr. Abraham, because you acknowledge that  
19 you are in fact guilty as charged in the superseding  
20 information, because I am satisfied that you understand your  
21 rights, including your right to go to trial, and that you're  
22 aware of the consequences of your plea, including the sentence  
23 which may be imposed, and because I find that you are knowingly  
24 and voluntarily pleading guilty, I accept your guilty plea to  
25 Count One of the superseding information.

NAQQhesP

1           The probation department will want to interview you in  
2           connection with the presentence report that I mentioned  
3           earlier.

4           Counsel, do you wish to be present for such interview?

5           MR. YUROWITZ: Yes, your Honor.

6           THE COURT: If you choose to speak to the probation  
7           department, just make sure everything you say is truthful and  
8           accurate. And take a close read of the presentence report.  
9           I'll review it carefully before imposing sentence. If there  
10          are any errors in it, please raise it with your attorney so he  
11          can raise it with me.

12          Why don't we schedule a sentencing date.

13          DEPUTY CLERK: March 14 at 12:00.

14          THE COURT: March 14 at 12:00. Does that work for  
15          everyone?

16          MR. YUROWITZ: Yes, your Honor.

17          THE COURT: The government shall provide the probation  
18          office with its factual statement within one week, and counsel  
19          shall arrange for the defendant to be interviewed by the  
20          probation department within the next two weeks.

21          Consistent with my individual rules and practices in  
22          criminal cases, which are on the court website, defense  
23          submissions are due two weeks prior to sentencing, and the  
24          government's submission one week prior to sentencing.

25          Does the government have any objection to continuing

NAQQhesP

1 the current conditions of bail?

2 MS. KAMAL: No, your Honor.

3 THE COURT: They will be continued.

4 Are there any additional applications?

5 MS. KAMAL: Not at this time. Thank you, your Honor.

6 THE COURT: Thank you. Have a good day.

7 MR. YUROWITZ: Your Honor, is it your Honor's practice  
8 to release to the counsel probation's recommendation?

9 THE COURT: Yes, absolutely. You will get a copy of  
10 the initial presentence report. You will have the opportunity  
11 to make objections to it, and then you will get the final  
12 report which will have the recommendation of the probation  
13 department, and you will get that in advance of the time that  
14 your submission is due.

15 MR. YUROWITZ: Some judges or some districts, they  
16 don't release the actual recommendation.

17 THE COURT: In this district we do, and I think you're  
18 entitled to see it. Thank you. Have a good day.

19 MR. YUROWITZ: Thank you, your Honor.

20 (Adjourned)